



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty. Docket: RODDENBERY=2

In re Application of:	) Confirmation No.: 2611
	)
Ed RODDENBERY et al	) Art Unit: 1615
	)
Appln. No.: 10/765,906	) Examiner:
	)
Filed: January 29, 2004	) Washington, D.C.
	)
For: ACTIVE AGENT DELIVERY...	) February 6, 2007
	)

**PRELIMINARY AMENDMENT AND REMARKS**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop Amendment  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Prior to examination of the above-identified application, please amend as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Ed RODDENBERY et al.

Application No.: 10/765,906

Filed: January 29, 2004

For: ACTIVE AGENT DELIVERY DEVICE

Art Unit: 1615

Examiner:

Washington, D.C.

Atty.'s Docket: RODDENBERY2

Date: February 6, 2007

Confirmation No. 2611

THE COMMISSIONER OF PATENTS  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop Amendment  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Transmitted herewith is a [XX] PRELIMINARY AMENDMENT AND REMARKS in the above-identified application.

[ ] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.  
 No additional fee is required.  
[ ] The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT	(Col. 2)	(Col. 3) HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 8	MINUS	** 20	0
INDEP.	* 2	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x 25	\$		x 50	\$
x 100	\$		x 200	\$
+ 180	\$		+ 360	\$
ADDITIONAL FEE TOTAL			TOTAL	

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

Conditional Petition for Extension of Time  
If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[ ] First - \$ 60.00  
[ ] Second - \$ 225.00  
[ ] Third - \$ 510.00  
[ ] Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

[ ] First - \$ 120.00  
[ ] Second - \$ 450.00  
[ ] Third - \$ 1020.00  
[ ] Fourth - \$ 1590.00

Month After Time Period Set

[ ] Less fees (\$\_\_\_\_\_) already paid for \_\_\_\_ month(s) extension of time on \_\_\_\_\_.

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$\_\_\_\_\_.

[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$\_\_\_\_\_.

[ ] A check in the amount of \$\_\_\_\_\_ is attached (check no. ).

The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)



Arlie M. Kornbau  
Registration No. 25,884